

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, NOVEMBER 30, 2015**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m. on Monday, November 30, 2015, with Councillor Lewis presiding.

Councillor Adamson introduced Hazem Bata, Islamic Society of North America, who led the opening prayer. Councillor Adamson then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
2 ABSENT: Cain, Mansfield

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Barth recognized former employers John and Nancy Hill. Councillor Oliver recognized Timothy Hughes.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Journal of the City-County Council

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 30, 2015, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie A. Lewis
President, City-County Council

November 10, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 13, 2015 a copy of a Notice of Public Hearing on Proposal Nos. 338, 339, 361 and 371, 2015, said hearing to be held on Monday, November 30, 2015, at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

November 20, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 43, 2015 - approves an additional appropriation of \$563,748 and a transfer of \$400,000 in the 2015 Budget of the Information Services Agency (Information Services Fund) to cover the costs associated with enterprise-wide network infrastructure improvements

FISCAL ORDINANCE NO. 44, 2015 – approves additional appropriations of \$783,000 and transfers of \$1,062,375 in the 2015 Budgets of the Marion County Public Defender, Marion County Circuit and Superior Courts, and Department of Public Safety (County General, Metro Emergency Communications and City Cumulative Capital Funds) to fund various public safety initiatives

FISCAL ORDINANCE NO. 45, 2015 – approves an additional appropriation of \$195,000 in the 2015 Budget of the Department of Public Works (Parks General Fund) to cover costs associated with the maintenance and upkeep of parks facilities

FISCAL ORDINANCE NO. 46, 2015 – authorizes a transfer of \$50,000 in the 2015 Budget of the Department of Public Works (Rebuild Indy Fund) to cover costs associated with the Safer Routes to School program

GENERAL ORDINANCE NO. 70, 2015 – authorizes a speed limit reduction on Boyd Avenue, between East Troy Avenue and East Perry Street (District 19)

SPECIAL ORDINANCE NO. 3, 2015 – approves the issuance of Economic Development Tax Increment Revenue Bonds in an amount not to exceed \$75 million to fund certain infrastructure improvements within the Consolidated Redevelopment Allocation Area commonly known as 16 Tech

SPECIAL ORDINANCE NO. 4, 2015 – authorizes the issuance of Indiana Facilities Revenue Refunding Bonds in a maximum aggregate amount not to exceed \$12 million and approves and authorizes other actions in respect thereto

GENERAL RESOLUTION NO. 19, 2015 – approves the statement of benefits of Rolls Royce Corporation, an applicant for tax abatement for property located in an economic revitalization area and a TIF allocation area

GENERAL RESOLUTION NO. 20, 2015 – approves the statement of benefits of Land O'Lakes, Inc. and Winfield Solutions, LLC (d/b/a Sure-Tech Laboratories), an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 21, 2015 – approves an amendment to the declaratory resolution for the North Midtown Economic Development Area to remove certain parcels from the allocation area

SPECIAL RESOLUTION NO. 43, 2015 – recognizes the public service of Representative Cherrish Pryor

SPECIAL RESOLUTION NO. 44, 2015 – recognizes the Indy Fuel

s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of November 9, 2015. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 379, 2015. The proposal, sponsored by Councillor Evans, recognizes the 100 Black Men of Indianapolis, Inc. Dollars and Sense Financial Literacy Program. Councillor Evans read the proposal and presented representatives with copies of the document and Council pins. James Duke, president of 100 Black Men; Andre Givens, program administrator; and past student Chelsea Hart thanked the Council for the recognition. Councillor Evans moved, seconded by Councillor Oliver, for adoption. Proposal No. 379, 2015 was adopted by a unanimous voice vote.

Proposal No. 379, 2015 was retitled SPECIAL RESOLUTION NO. 45, 2015, and reads as follows:

PROPOSAL NO. 416, 2015. The proposal, sponsored by Councillor Adamson, recognizes the "Your Life Matters" Poetry Slam. Councillor Adamson moved, seconded by Councillor Gray, to postpone Proposal No. 416, 2015 until December 14, 2015. Proposal No. 416, 2015 was postponed by a unanimous voice vote.

PROPOSAL NO. 417, 2015. The proposal, sponsored by Councillor Osili, honors the life of Samuel Young. Councillor Osili read the proposal and presented representatives with copies of the document and Council pins. Family members thanked the Council for the recognition. Councillor Osili moved, seconded by Councillor Simpson, for adoption. Proposal No. 417, 2015 was adopted by a unanimous voice vote.

Proposal No. 417, 2015 was retitled SPECIAL RESOLUTION NO. 46, 2015, and reads as follows:

PROPOSAL NO. 418, 2015. The proposal, sponsored by Councillors Cain and Gooden, recognizes Joy's House. In Councillor Cain's absence, Councillor Gooden read the proposal and presented representatives with copies of the document and Council pins. Tina MacIntosh, founder and director, thanked the Council for the recognition. Councillor Gooden moved, seconded by Councillor McQuillen, for adoption. Proposal No. 418, 2015 was adopted by a unanimous voice vote.

Proposal No. 418, 2015 was retitled SPECIAL RESOLUTION NO. 47, 2015, and reads as follows:

PROPOSAL NO. 419, 2015. The proposal, sponsored by Councillor Barth, recognizes the Indianapolis Early Music/Festival Music Society. Councillor Barth read the proposal and presented representatives with copies of the document and Council pins. G.B. Langdon, past chairman of the board, thanked the Council for the recognition. Councillor Barth moved, seconded by Councillor Adamson, for adoption. Proposal No. 419, 2015 was adopted by a unanimous voice vote.

Proposal No. 419, 2015 was retitled SPECIAL RESOLUTION NO. 48, 2015, and reads as follows:

PROPOSAL NO. 420, 2015. The proposal, sponsored by Councillor Tew, recognizes Broad Ripple Brewpub's 25th Anniversary. Councillor Tew read the proposal and presented representatives with copies of the document and Council pins. Owners John and Nancy Hill thanked the Council for the recognition. Councillor Tew moved, seconded by Councillor Gooden, for adoption. Proposal No. 420, 2015 was adopted by a unanimous voice vote.

Proposal No. 420, 2015 was retitled SPECIAL RESOLUTION NO. 49, 2015, and reads as follows:

PROPOSAL NO. 335, 2015. In Chair Mansfield's absence, Councillor Hickman reported that the Administration and Finance Committee heard Proposal No. 335, 2015 on November 17, 2015. The proposal, sponsored by Councillors Lewis, Barth and Gray, reappoints Glenn Lawrence to the Indianapolis Marion County Building Authority Board of Trustees. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hickman moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 335, 2015 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 ABSENT: Cain, Mansfield

Proposal No. 335, 2015 was retitled COUNCIL RESOLUTION NO. 50, 2015, and reads as follows:

Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal Nos. 340, 342, and 344-346, 2015 on November 16, 2015. He asked for consent to vote on the proposals together. Consent was given.

PROPOSAL NO. 340, 2015. The proposal, sponsored by Councillors Robinson, Lewis, Barth and Gray, reappoints Lena Hackett to the Metropolitan Development Commission. PROPOSAL NO. 342, 2015. The proposal, sponsored by Councillors Robinson, Lewis, Barth and Gray,

reappoints John Lewis to the Metropolitan Development Commission. PROPOSAL NO. 344, 2015. The proposal, sponsored by Councillors Robinson, Lewis, Barth and Gray, reappoints Mary Clark to the Metropolitan Board of Zoning Appeals, Division I. PROPOSAL NO. 345, 2015. The proposal, sponsored by Councillors Robinson, Lewis, Barth and Gray, reappoints T. D. Robinson to the Metropolitan Board of Zoning Appeals, Division I. PROPOSAL NO. 346, 2015. The proposal, sponsored by Councillors Robinson, Lewis, Barth and Gray, reappoints Elizabeth Gore to the Metropolitan Board of Zoning Appeals, Division II. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal Nos. 340, 342, and 344-346, 2015 were adopted on the following roll call vote; viz:

26 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
1 NOT VOTING: McQuillen
2 ABSENT: Cain, Mansfield

Proposal No. 340, 2015 was retitled COUNCIL RESOLUTION NO. 51, 2015, and reads as follows:

Proposal No. 342, 2015 was retitled COUNCIL RESOLUTION NO. 52, 2015, and reads as follows:

Proposal No. 344, 2015 was retitled COUNCIL RESOLUTION NO. 53, 2015, and reads as follows:

Proposal No. 345, 2015 was retitled COUNCIL RESOLUTION NO. 54, 2015, and reads as follows:

Proposal No. 346, 2015 was retitled COUNCIL RESOLUTION NO. 55, 2015, and reads as follows:

PROPOSAL NO. 356, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 356, 2015 on November 18, 2015. The proposal, sponsored by Councillors Moriarty Adams and Lewis, appoints LaKichia Wilson to the Marion County Community Corrections Advisory Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Simpson, for adoption. Proposal No. 356, 2015 was adopted on the following roll call vote; viz:

26 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
1 NOT VOTING: McQuillen
2 ABSENT: Cain, Mansfield

Proposal No. 356, 2015 was retitled COUNCIL RESOLUTION NO. 56, 2015, and reads as follows:

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 390, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 761 square feet of space at 251 E. Ohio Street, Suite B-31, for use by the Marion County Prosecutor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 391, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 1,221 square feet of space at 251 E. Ohio Street, Suite B-29, for use by the Marion County Prosecutor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 392, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 36,377 square feet of space at 1330 Madison Avenue for use by the Marion County Clerk"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 393, 2015. Introduced by Councillor Hickman. The Clerk read the proposal entitled: "A Proposal for a General Resolution which determines the need to lease approximately 3,590 square feet of space at Building 116, 7108-7176 Waldemar Drive for use by the Marion County Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 394, 2015. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code regarding surety bonds for city and county officials"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 395, 2015. Introduced by Councillors Osili, Adamson and Miller. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 398, 2015. Introduced by Councillor Gooden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the north side of 66th Street, from Ferguson Street to Cornell Avenue (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 399, 2015. Introduced by Councillors Mascari, Adamson, Miller and Shreve. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions along Shelby Street for the Red Line Bus Rapid Transit project (Districts 16, 19, 20, 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 400, 2015. Introduced by Councillor Scales. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at

Steinmeier Drive and 72nd Place (District 4)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 401, 2015. Introduced by Councillor Sandlin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Coventry Park subdivision (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 402, 2015. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Harvard Green at Camby Village subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 403, 2015. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on Coles Creek Lane and Wichita Hill Drive in the Wichita Hills at Southern Dunes subdivision (District 22) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 404, 2015. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in The Groves at Camby Village subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 405, 2015. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Arrowhead at Southern Dunes subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 406, 2015. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Hudson Bay at Southern Dunes subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 407, 2015. Introduced by Councillor Shreve. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Orchard Park subdivision (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 408, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Victory Drive and Victory Lane (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 409, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Stonebriar subdivision (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 410, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the

Churchman Manor subdivision (District 25) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 411, 2015. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and confirms an agreement for a franchise for an electric vehicle sharing service granted by the City to BlueIndy, LLC"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 412, 2015. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Council Rules to reflect the reduction in the number of councillors from 29 to 25 and makes other technical corrections"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 413, 2015. Introduced by Councillors Moriarty Adams and Mascari. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which increases the compensation of the mayor and the city-county council"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 414, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to delete obsolete references to township assessors and to renumber Chapter 671, regarding employment of ex-offenders, to Chapter 670"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 425, 2015. Introduced by Councillors Evans and Robinson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statements of benefits of TC Heartland, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

President Lewis asked for consent to reconsider Proposal No. 416, 2015, which was postponed earlier in the evening, for action, as representatives are in attendance to accept the special resolution. Consent was given.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 416, 2015. The proposal, sponsored by Councillor Adamson, recognizes the "Your Life Matters" Poetry Slam. Councillor Adamson read the proposal and presented copies of the document and Council pins to representatives. Representatives thanked the Council for the recognition. Councillor Adamson moved, seconded by Councillor Osili, for adoption. Proposal No. 416, 2015 was adopted by a unanimous voice vote.

Proposal No. 416, 2015 was retitled SPECIAL RESOLUTION NO. 50, 2015, and reads as follows:

SPECIAL ORDERS - PRIORITY BUSINESS

President Lewis stated that Proposal Nos. 396 and 397, 2015 are sign ordinance revisions that meet the requirements for priority business and action this evening. She asked for consent to hear

Proposal Nos. 396 and 397, 2015 together. Consent was given.

PROPOSAL NO. 396, 2015. The proposal, sponsored by Councillors Lewis, McQuillen and Gooden, amends the Code regarding sign regulations, definitions and permitted use table within the Zoning Ordinance. PROPOSAL NO. 397, 2015. The proposal, sponsored by Councillors Lewis, McQuillen and Gooden, amends portions of the Code regarding the sign regulations and fixes a time when the same shall take effect

Brad Beaubien, acting director of the Department of Metropolitan Development (DMD), said that a ruling this year by a Federal Court ruled that a portion of DMD's sign ordinance are likely unconstitutional, due to the recent RezoneIndy passage. He said that these portions of the ordinance need to be fixed so that the Federal District Court does not strike them down and leave Indianapolis without rules in place or open to lawsuits. Passage of these two proposals will allow them to meet those requirements and will not interfere with the comprehensive review of the sign ordinance, which will continue in the works.

Councillor Simpson asked if this affects digital billboard regulations at all. Mr. Beaubien said that it has no impact on digital billboards.

Councillor Freeman said that there was some original language that was included that caused him some concern, and he tried to get that discussion regarding digital billboards to progress. He said that they have to fix this issue. The Supreme Court has said they have to pass these initiatives tonight, but a bigger conversation about billboards needs to occur. He said that it seems when something fits a desire of the right people, it is allowed, but if not, it is not; such as the digital billboards allowed at the State Fairgrounds but not at the Marion County Fairgrounds.

Councillor Adamson said that those constituents who reached out to him have expressed their support of this proposal, and he therefore supports it.

Councillor Miller agreed and said that the Marion County Alliance of Neighborhood Associations has reviewed it also and supports it. He applauded DMD for addressing this issue quickly and keeping the Council informed.

President Lewis stated that these proposals need 18 affirmative votes for passage. Proposal No. 396, 2015 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 ABSENT: Cain, Mansfield

Proposal No. 397, 2015 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 ABSENT: Cain, Mansfield

Proposal No. 396, 2015 was retitled GENERAL ORDINANCE NO. 71, 2015, and reads as follows:

Proposal No. 397, 2015 was retitled GENERAL ORDINANCE NO. 72, 2015, and reads as follows:

PROPOSAL NOS. 421-424, 2015. Introduced by Councillor Robinson. Proposal Nos. 421-424, 2015 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 10, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 100-103, 2015, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 100, 2015.
2015-ZON-054
3700 KENTUCKY AVENUE
DECATUR TOWNSHIP, CD #22
INDY SPECIALIZED TRANSPORT, INC., by Joseph D. Calderon request Rezoning of 7.1 acres from the C-3, C-7 and I-4-S districts to the I-3-S district to provide for a specialized trucking company.

REZONING ORDINANCE NO. 101, 2015.
2015-ZON-072
2500 NORTH BUTLER AVENUE, 5242, 5246 AND 5248 EAST 25TH STREET (APPROXIMATE ADDRESS)
WARREN TOWNSHIP, CD #17
BHAVANA, LLC, by Matthew M. Price request Rezoning of 0.89 acre from the D-4 district to the I-2-U classification.

REZONING ORDINANCE NO. 102, 2015.
2015-ZON-075
1302 EAST SAINT CLAIR STREET
CENTER TOWNSHIP, CD #16
WILLIAM R. PRITT, by Douglas W. Shoemaker request Rezoning of 0.128 acres from the I-3-U district to the D-8 classification.

REZONING ORDINANCE NO. 103, 2015.
2015-ZON-077
8305 WEST MORRIS STREET (APPROXIMATE ADDRESS)
WAYNE TOWNSHIP, CD #13
FINLEY A. WILLIAMS request Rezoning of 1.07 acres from the I-3-S district to the D-3 district to legally establish residential uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 123, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 19, 340 South White River Parkway, West Drive (2014-CZN-835). The proposal was called out for public hearing on May 11, 2015 by Councillor Miller and then postponed by the Council on May 11, June 8, July 13, August 17, September 14, September 28, 2015, October 12, 2015 and November 9, 2015.

Councillor Miller made the following motion:

Madam President:

The petitioners continue to negotiate a resolution of the rezoning case at 340 South White River Parkway, West Drive, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835) be postponed and rescheduled for December 14, 2015.

Councillor Adamson seconded the motion, and Proposal No. 123, 2015 was postponed by a unanimous voice vote.

PROPOSAL NO. 338, 2015. In Chair Mansfield's absence, Councillor Hickman reported that the Administration and Finance Committee heard Proposal No. 338, 2015 on November 17, 2015. The proposal, sponsored by Councillors Mansfield and Pfisterer, approves transfers totaling \$2,166,524 in the 2015 Budgets of the Marion County Auditor, Voters Registration, Cooperative Extension, Telecom and Video Services Agency, Office of Finance and Management, and Office of Corporation Counsel (County General, Auditor's Ineligible Deduction and Consolidated County General Funds) to cover costs associated with the 27th Pay and other various year-end project costs. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:00 p.m. There being no one present to testify, Councillor Hickman moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 338, 2015 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 ABSENT: Cain, Mansfield

Proposal No. 338, 2015 was retitled FISCAL ORDINANCE NO. 47, 2015, and reads as follows:

PROPOSAL NO. 339, 2015. In Chair Mansfield's absence, Councillor Hickman reported that the Administration and Finance Committee heard Proposal No. 339, 2015 on November 17, 2015. The proposal, sponsored by Councillor Gooden, authorizes the issuance of a general revenue note in an aggregate principal amount not to exceed \$12,000,000 for the purpose of providing funds to be applied to pay a portion of the planning costs incurred in connection with a proposed criminal justice center, and appropriating the proceeds thereof. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:00 p.m. There being no one present to testify,

Due to some recent communication with office staff, Councillor Hickman moved, seconded by Councillor Gooden, to postpone Proposal No. 339, 2015 until December 14, 2015.

Councillor McQuillen asked if someone from the administration could explain the time sensitivity of this issue. Jason Dudich, Chief of Staff, Office of the Mayor, said that if a vote is delayed until the December 14, 2015 Council meeting, then funds to pay these bills would be delayed until the day before Christmas. Their ability to acquire funds before the end of the year and pay those invoices would be very difficult. He said that they have agreed to work with the Council's General Counsel and Chief Financial Officer (CFO), as well as Marion County Auditor Julie

Voorhies to review these bills before being paid, but there is definitely a time sensitivity involved and the quicker they get approval the better.

Councillor Simpson said that he has concerns about CFO Bart Brown and General Counsel Fred Biesecker not seeing the invoices. He said that this is a lot of money, and they need to make sure that what they are approving for payment, they have seen and have had time to review it and ask questions. He said that he supports the motion for delay to be sure what they are voting on. Mr. Dudich said that this proposal would allow the City to move forward and secure the proceeds, but Mr. Brown and Mr. Biesecker would still be reviewing the invoice before any are paid. He said that he gave his assurance that they would have to sign off before any dollar walks out the door. Councillor Simpson said that personally, he feels they need to do their due diligence at the minimum before approving this action.

Councillor McQuillen asked if Mr. Brown is comfortable moving forward with the information he has. Mr. Brown said that he has no reason not to trust the Controller and Mr. Dudich. Even though he has disagreed with some things the administration has done in the past, neither of them have ever told him one thing and then done another. He said that if they agree to work with Ms. Voorhies to be the final clearing house to make sure the invoices also meet her requirements, that is the only way he would feel comfortable going forward, by having that additional check in place. Councillor McQuillen asked if Mr. Dudich is okay with that stipulation. Mr. Dudich said that they are, and he has no problem including Ms. Voorhies for multiple checks, and agrees to do so.

Councillor Adamson said that during the BlueIndy negotiations, they were given assurances that no money would be moved, and then a wire transfer to Regions back to BlueIndy showed up. He said that they may be able to have some trust, but with all due respect, they need to still lock their doors.

Councillor Sandlin asked if the Auditor does not already review those bills. Mr. Brown said that she does, and with the BlueIndy lawsuit, she actually stopped payment and has the ability to do that. He said that this is a little different than the BlueIndy incident, as the word was directly given to them this time by both the Office of Corporation Counsel (OCC) and the Office of Finance and Management (OFM), as well as Mr. Dudich. He said that the Auditor does review all bills that go out of the City, with the exception of tax increment financing (TIF) funding. Councillor Gray asked if any of these funds are coming from TIF funding. Mr. Brown said that it is an option, and is an example where the Auditor would not have oversight.

Councillor Freeman said that he longs for the day when they are not put between a rock and a hard place. He said that he does not believe enough due diligence was done on the front end, and now they are contemplating paying bills for something that did not get built. It drives him crazy that they are in this situation. He does not disagree that the situation is awful, but these are invoices that were charged, and the City owes this money and they have an obligation to pay it. It is ridiculous that they have to pay it, but they have to honor that. He said that he would like to see this passed, so that there is no threat to defaulting on these bills. If the Auditor is reviewing the charges, he believes this is a step in the right direction. The thought of delaying payment and risking being sued does not make a lot of sense to him. He longs for a day when they all work together and things like this do not happen anymore, like they do at every level of government from Congress on down.

Councillor Adamson said that with Congress, there is a difference, as the Council did not approve these expenditures.

Councillor Hickman asked for clarification that Ms. Voorhies has control of the checkbook on these invoices. Mr. Brown said that if the \$12 million goes into this fund, the City can draw off those monies, but the Auditor would have to sign off on them. All of the invoices would have to be signed off on by him and the Auditor. Councillor Hickman asked what would happen if they did not agree with an overbilling. Mr. Dudich said that if there is a concern about an invoice, an audit can be conducted. He stated that they are in complete agreement with that, and OFM and the Council staff can work with a vendor to insure the City got the services they were billed for. Councillor Hickman asked who would make that ultimate decision. Mr. Dudich said it would be the Auditor. Mr. Brown agreed and said that they would get an outside auditor for an opinion on the bill. Councillor Hickman asked if this is the case, why it would hurt to postpone the proposal. Mr. Dudich said that some can be paid immediately, and instead of a delay and possible default, they would prefer to get those items paid. He said that if they delay with the other bills, they will take some time to review them and that process will also be longer. Councillor Hickman asked if Mr. Brown agrees with this assessment. Mr. Brown said that he does, and if there was further questions, they would ultimately come to the Council. Councillor Hickman asked why they do not have the numbers already. Mr. Dudich said that they do have copies of all the invoices, and a summary of high level versions have been shared. He said that he thinks the issue is regarding the actual agreements from some of these law firms, and City Controller Matthew Kimmick simply dropped the ball in getting these to Mr. Biesecker and Mr. Brown before this meeting.

Councillor Oliver asked if an undocumented bill is submitted if that is fraud. Mr. Biesecker said that if someone submitted an invoice for work they did not do, it would be fraud. Mr. Brown said that in that case, they would not pay the invoice.

Councillor Simpson said that he was told an original contract for \$1.5 million had a final invoice of \$3.6 million. He asked how they can make sure they are paying what is actually due. He said that his support of postponement is so that they can get a look at it. The taxpayers deserve to know what they are paying for.

Councillor Miller asked how they could not know already if someone was owed \$1.5 million or \$3.6 million. Mr. Biesecker said that this issue is with regard to two original contracts with law firms with not-to-exceed amounts. One had an amount not to exceed \$1.5 million, but was billed for \$3.6 million, and the other had a not to exceed amount of \$2.5 million, and the City was billed for \$3.1 million. He said that this is the reason they asked for supplements and amendments to those contracts. They cannot legally increase those amounts unless a supplement or amendment was done in writing, and he does not know if they exist to justify the increase. Councillor Miller said that he is totally lost as to why they have not gotten this information at this point. Mr. Dudich said that the original contracts were signed at the beginning, the first of 2015. Additional work was required after that, and those amendments and addendums were sent to them, but have not yet been forwarded to Mr. Biesecker. He said that he assumes they will be in his hands by tomorrow. Councillor Miller asked if they will not pay this additional amount, however, until they do get the information requested. He said that he cannot understand why something this important was not important enough that it was overlooked. Mr. Dudich said that they will not be paid until Mr. Brown, Mr. Biesecker and Ms. Voorhies agree that they should be paid.

Councillor Lutz asked if the \$12 million amount includes the \$3 million invoice or the \$1.5 million contract. Mr. Biesecker said that it includes the full amount of the invoices.

Councillor Gray said that here they are at the midnight hour trying to pay bills. He asked why they did not submit this earlier to have these debates and time to review these invoices more

carefully. Mr. Dudich said that when it was first discussed, they were asked for supplemental information, and Mr. Kimmick dropped the ball in getting that information to Council staff. Councillor Gray said that because the Controller dropped the ball, the Council is now being asked to pick it up.

Councillor Scales said that she understands \$4 million was already paid to some of these law firms. She asked where those funds came from. Mr. Dudich said that they came from multiple sources, and some came due to the rent for this building being deferred as discussed during the budget.

Councillor Jackson referred to TIF monies and asked who will decide where the money is pulled from. Mr. Brown said that the Metropolitan Development Commission (MDC) can authorize payments from TIF, and they are paid by the Controller and do not have to go through the Auditor's Office. Councillor Jackson said that if they use \$6 million of TIF money, they will then have not checks and balances on this amount. Mr. Brown said that he assumes he and the Controller would still review them for these bills, but the Auditor would not.

Councillor Hickman said that she is aware of the time sensitivity, but she would prefer that checks and balances discussed actually be written into the proposal, adding the Auditor's signing off on payment of these bills. President Lewis said that such an amendment would need to be in writing on the Council floor for consideration. Mr. Biesecker said that he does not have anything in writing at this time and is not sure what such an amendment would say.

Councillor Gray said that such an amendment would not address the \$6 million that could be spent from TIF funds.

Councillor Robinson said that this proposal is essentially to get the funds lined up and prepared to go, so that they can then be paid if approved. Mr. Brown said that passing this proposal means they could go ahead and issue the notes, deposit the funds and hold them in the account. They would then be subject to review by himself, the Controller and the Auditor. He said that everything can still be reviewed, and an outside auditor can be hired if needed. Councillor Robinson asked if the motion to postpone fails, if they can consider the option to pass with certain assurances in place.

Councillor McQuillen urged his colleagues to embrace Councillor Robinson's idea and vote against the motion to postpone. Councillor Robinson asked if further discussion will be allowed if the motion to postpone does not pass. The President answered in the affirmative.

The motion to postpone Proposal No. 339, 2015 failed on the following roll call vote; viz:

13 YEAS: Adamson, Barth, Clay, Gray, Jackson, Lewis, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew

14 NAYS: Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve

2 ABSENT: Cain, Mansfield

Councillor Hickman asked if it would be possible to recess to consider an amendment. Councillor Barth suggested that alternately, since the agenda is lengthy, they move Proposal No. 339, 2015 later in the agenda, and those who wish to draft an amendment can take time to work on that together.

Councillor Barth moved, seconded by Councillor Adamson, to move Proposal No. 339, 2015 to the end of the agenda. The proposal was moved by a unanimous voice vote.

PROPOSAL NO. 361, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 356, 2015 on November 18, 2015. The proposal, sponsored by Councillors Moriarty Adams and Pfisterer, approves transfers of \$3,407,000 and additional appropriations of \$6,033,314 in the 2015 Budgets of the Department of Public Safety, Forensic Services Agency, Marion Superior Court, Community Corrections, Marion County Sheriff, and Marion County Prosecutor (City Cumulative Capital, Fire General, IMPD General, Community Corrections Work Release, Federal Grants, County General, Deferral Program Fee, Sheriff's Medical Care of Inmates, Public Safety Income Tax, State Law Enforcement, Sheriff's Equitable Sharing, and Guardian Ad Litem Funds) to cover costs for these agencies through the end of the year, including the 27th pay. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:54 p.m.

Ethan Evans, citizen, asked if these are just transfers and if any is going to IMPD. Councillor Moriarty Adams said that it helps cover Character 01 costs for the 27th pay and overtime costs.

Larry Vaughn, citizen, asked when these dollars are appropriated, who has jurisdiction over how they are spent. Councillor Moriarty Adams said that the CFOs and agency heads would have that authority. Mr. Vaughn asked if they are truly for public safety purposes and if the Mayor has any jurisdiction over these dollars. Councillor Adamson said that they are allocated within a character, within a department, and cannot be moved for another purpose.

Wade Coleman, citizen, said that history has shown that this Mayor can do whatever he wants, and he has access to this money. He asked that the Council freeze any appropriations until the first of the year, and do an investigation and audit of everything. He said that he is deeply bothered by further appropriations.

Alex Kipp, citizen, said that he works in the area of finance, and the City is already operating on shoestring budgets, and they are dealing with these last-minute proposals. He said that foresight makes good business and hindsight makes terrible messes, and he asked them to please stop this precedent.

Councillor Miller said that he also hopes they get it figured out, because it does not make sense that they did not plan ahead for a 27th pay.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 361, 2015 was adopted on the following roll call vote; viz:

21 YEAS: Adamson, Barth, Clay, Evans, Freeman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Pfisterer, Robinson, Sandlin, Scales, Shreve, Tew
0 NAYS:
6 NOT VOTING: Gooden, Gray, Hickman, Oliver, Osili, Simpson
2 ABSENT: Cain, Mansfield

Proposal No. 361, 2015 was retitled FISCAL ORDINANCE NO. 48, 2015, and reads as follows:

PROPOSAL NO. 371, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 371, 2015 on November 19, 2015. The proposal, sponsored by Councillor Adamson, approves a transfer of \$690,000 and an additional appropriation of \$670,000 in the 2015 Budget of the Department of Public Works (Fleet Services, Transportation General and Parks General Funds) to cover end of the year costs, including the 27th and 53rd pays. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:04 p.m.

Mr. Vaughn said that it is a shame they keep coming with these last minute appropriations expecting a rubber stamp. Mr. Coleman added that these end of the year costs should have been anticipated and it does not make sense to keep asking for more money.

Councillor Hunter said that fiscal clean-up ordinances are typical and done every single year and are a part of normal business.

There being no further testimony, Councillor Adamson moved, seconded by Councillor , for adoption. Proposal No. 371, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Barth, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
2 NAYS: Clay, Oliver
0 NOT VOTING:
2 ABSENT: Cain, Mansfield

Proposal No. 371, 2015 was retitled FISCAL ORDINANCE NO. 49, 2015, and reads as follows:

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 315, 2015. Councillor Barth reported that the Community Affairs and Education Committee heard Proposal No. 315, 2015 on October 14, 2015 and it was postponed in Council on November 9, 2015. The proposal, sponsored by Councillor Barth, amends the Code by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Barth made the following motion:

Madam Chair:

I move to amend Section 1 of Proposal No. 315, 2015, as previously amended in Committee, by deleting the language that is stricken-through and adding the language that is double-underlined in the highlighted sections, to read as follows:

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding a new Chapter 271, to read as follows:

Chapter 271 – Public Art for Neighborhoods Program

Sec. 271-101. Program established.

The Indianapolis-Marion County Public Art for Neighborhoods Program is hereby established.

Sec. 271-102. Purpose.

The city accepts responsibility for expanding the opportunity for its citizens to experience art in and for the beautification of public places. The city also recognizes that the inclusion of public art in appropriate locations will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, improve public safety, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts. A policy is therefore established to direct that funding for the inclusion of works of art and beautification of public space in certain capital improvement projects paid for by the city be allocated through this public art for neighborhoods program.

Sec. 271-103. Definitions.

As used in this Chapter, the following terms shall have the meanings ascribed to them in this section:

Affordable Housing means a residential rental housing project owned by a governmental entity, a non-profit entity described in Section 501(c)(3) and any other entity which operates the project in compliance with the provisions of Section 142(d)(1)(A) or (B) or Section 42 (g) of the Internal Revenue Code of 1986, as amended, and which serves one or more of the following purposes:

- (a) to benefit low-income and moderate-income persons;
- (b) to prevent or eliminate slums or blight; or
- (c) to respond to community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Arts Council means the Arts Council of Indianapolis.

Capital improvement project means any capital project paid for wholly or in part by the city for which the city has provided or agreed to provide an economic incentive to a Recipient, for infrastructure improvement, or for the construction or substantial renovation of any building, facility, or open space to which the public is generally invited; provided, however, that the term does not include the portion of a project that consists of affordable housing.

Construction costs means the total amount appropriated or otherwise allocated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds).

Economic incentive means any direct or indirect use of tax increment funds for the benefit of a Recipient, including but not limited to grants, loans, pledges, and bond sale proceeds.

Eligible fund means a source of funds for a capital improvement project from which city expenditures for public art are not prohibited as an object of expenditure.

Eligible project means any capital improvement project with the exception of those projects that have statutory, contractual or other legal restrictions that prohibit expenditures for artwork from all portions of the project funds. The city-county council reserves the right to exclude certain projects from consideration as an eligible project or to limit the percentage of construction costs appropriated amount allocated for artwork on an eligible project on a case by case basis.

Paid for wholly or in part by the city means:

- (a) that the city has directly paid or will directly pay for the capital improvement project in whole or in part; or
- (b) that the city has provided or agreed to provide an economic incentives for the capital improvement project, including, but not limited to, grants of tax increment funds, property tax abatement, economic development revenue bonds, loans and loan guarantees, certified technology parks, economic improvement districts, and general obligation bonds in the form of grants or loans or pledges of tax increment funds, including bond sale proceeds.

Public art for neighborhoods fund means the special, non-reverting fund established by Section 271-105.

Recipient means any individual, partnership, association, organization, corporation or other entity, whether public or private, whether for profit or not for profit, which receives an economic incentive from the city for a capital improvement project.

Sec. 271-104. Funds for works of art and public space beautification.

~~All requests for appropriations or other allocations of funds for eligible projects shall allocate an amount equal to one (1) percent of the projected construction costs to be used for the selection, acquisition, commissioning, maintenance, and display of artwork. No allocation shall be made for eligible projects with projected construction costs of less than \$100,000. If the source of funding or the applicable law governing any particular eligible project precludes art as a permissible expenditure in part but not in whole, then the amount of funds so precluded shall be excluded from the construction costs in determining the amount to be allocated as provided in this section.~~

This section applies only to project agreements executed on or after January 1, 2016. If the estimated construction costs of a capital improvement project exceed \$100,000, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall development project agreement between the city and the Recipient, the Recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the Public Art for Neighborhoods Fund created by Sec. 271-105. To the extent the Recipient has already spent or agreed to spend funds on public art as part of a particular project, the Recipient shall receive an appropriate credit.

Sec. 271-105. Public art for neighborhoods fund.

There is hereby created a special fund, to be designated as the "Public Art for Neighborhoods Fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the public art fund all money ~~allocated by the council~~ received pursuant to Sec. 271-104 for the selection, acquisition, commissioning, maintenance, and display of artwork and public space beautification. ~~By way of illustration only, if the projected construction costs of an eligible project are \$1,000,000, then the council would allocate and appropriate one percent of that amount (\$10,000) to the public art for neighborhoods fund.~~

Sec. 271-106. Public art grants program.

(a) The council may appropriate money from the public art for neighborhoods fund for the purpose of annually awarding sub-grants for public art and public space beautification. The council's appropriation for the purpose of the public art and public space beautification grants program shall be administered by the Arts Council of Indianapolis. Upon appropriation from the council for the public art grants program, the controller shall ~~transfer~~ expend the appropriation to the Arts Council as an all-purpose grant and enter into agreements for the establishment of guidelines, application processes, and other criteria for multiple public purpose sub-grants in support of the council's desire to fund the selection, acquisition, commissioning, maintenance, and display of artwork and public space beautification. The Arts Council's guidelines shall establish protocols to ensure that the public art for neighborhoods program is geographically balanced and provides opportunities for neighborhoods to present projects that will install art projects in public space and to beautify public space. The Arts Council shall take, at a minimum, the following elements in consideration when evaluating projects: the level of community support, the project's opportunity for economic development, and the project's ability to aid crime prevention. Projects may be located anywhere in the county.

(b) In addition, the Arts Council shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the median income is less than eighty (80) percent of the median income for the county as a whole.

Sec. 271-107. Reporting and oversight.

The Arts Council shall provide an annual written report to the full council on what individuals and organizations received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer

the program. The Arts Council shall also make an annual report in person to a committee designated by the president of the council.

Councillor Oliver said that if 50% of this is for projects in neighborhoods where the median income is below 80%, what is the median income. Councillor Barth said that he does not know off-hand what the median income is, but the intent is to help impoverished areas. Dave Lawrence, Arts Council of Indianapolis, said that they are working with partners to look at additional neighborhoods targeted for increased community develop. He said that these projects can help address issues of blight, crime and employment opportunities as well. Councillor Oliver asked about the projects. Mr. Lawrence said that they will work with neighborhoods, and the projects could be a mural, a sculpture, a performance, or even a neighborhood festival. He said that they will work with neighborhoods and artists to develop something that specifically benefits that particular community the best. Councillor Barth added that all ideas would come from the neighborhoods, not the Council or the Arts Council. Councillor Oliver asked how much money will be in this account. Councillor Barth said that it would depend on how many projects are done. Based on the last four years of project, this fund would have had about a million dollars. Councillor Oliver asked if the project does not have to happen in that particular district to get the funds, but if other areas could apply for them. Councillor Barth responded in the affirmative and said that the funds can be used County-wide.

Councillor Adamson said that this is why he offered a resolution earlier for the Poetry Slam. He said that he is excited about this program, because it could cultivate young peoples' ability to communicate. The arts are an excellent way to communicate, and they can be a stabilizing force for communities. This Council has given enormous subsidies for luxury housing in the Downtown TIF area, and the arts could benefit from this. He said that communities are struggling economically, and this could bring some very positive things into the communities.

Councillor Clay said that they often use poverty and children at risk to generate great ideas; but often the idea ends up one place and the implication ends up elsewhere. He asked if the Arts Council would serve as the fiduciary agent for these dollars. Councillor Barth said that this is correct, and they would serve as they do with the arts grants, and would report to the Council. Councillor Clay said that the qualifier is a median income at less than 80%, yet no one seems to know what that median income is. Councillor Barth said that he just looked it up on his phone, and Indianapolis' median income is \$39,015. Councillor Clay said that those making 80% of that would then qualify. Councillor Barth said that it would be neighborhoods where most of their residents make less than that. Councillor Clay asked what neighborhoods that would be. Councillor Barth said that he does know specific neighborhoods that would qualify at this time. He said that the intent is to make these projects available to the entire community to enjoy.

Councillor Freeman said that he has no issue with the arts, and voted to fund the arts. However, this is one more restriction being placed on developers by charging 1% of the value of the project to fund the arts. The cost of this, however, will get passed on to the person buying a home or renting an office. He said that a lot of this is going on already, and they are putting a lot of restrictions on the people who build and develop this county. While it is well-intentioned, this places another burden on business and development, and therefore, he opposes the proposal.

Councillor Sandlin said that they have public parks in shambles, no source of food or grocery stores in neighborhoods, and communities without sidewalks whose citizens are getting killed from walking in the street. He said that if they want to identify extra resources to fund initiatives, they have bigger needs that greater affect the quality of life in the neighborhoods. He said that arts are a great thing, but they should be prudent and allocate their resources to bigger priorities.

Councillor Scales agreed and said that it was testified that various neighborhoods are standing in line for projects such as this, but they already give a million dollars to arts for public use every year, and in the past couple of years have been the beneficiary of \$100 million from the Eli Lilly Foundation in addition to that. She said that there are more important needs to be addressed in this City, and any new revenue source should go toward the most important needs.

Councillor Hunter said that the Arts Council grants have shown that arts has the ability to look at re-entry possibilities, crime prevention, and other quality of life issues. He said that this is a smart, innovative proposal and the threshold make sense. He said that this is already going on, and there are some developers who are already doing this. However, this formalizes the process and provides one central point with a real focus and strategy instead of errant strategies, especially with regard to programming. He said that he supports the proposal.

Councillor Robinson said that he also supports the proposal, and instead of talking about all the other needs this community has, some of his colleagues need to fashion their own proposals to meet and address those needs that they feel strongly about.

Councillor Tew said that the arts do so much more than just arts, and he is very proud of this initiative.

Councillor Simpson one thing that makes people feel good is something positive in their neighborhood, and that is what art does.

Councillor Scales said that she cannot believe Councillor Robinson is urging his colleagues to come up with their own ideas, when her TIF proposal sat in his committee tabled for two years and he would not allow it to be heard, and would not give her even the respect to return her e-mails or phone calls about it. That proposal would provide a grocery store in a food desert, and she had to re-initiate it after he let it fall off the calendar. She said that she has initiated proposals to address real needs.

Councillor Clay asked what they can do to insure that the targeted people are recipients of these dollars. Councillor Barth said that this will be a similar approach as with the pre-kindergarten proposal. These dollars will go into a reserve fund for those who do not have access to these kinds of resources. The Parks and Recreation Committee will have oversight over that fund, and although he will no longer be serving on the Council to make sure that is happening, he would encourage his returning colleagues to withhold funds if it is not happening that way. Councillor Clay said that this body does a great job in appropriating dollars for city services, but they need to look at the accountability after an appropriation has been made.

Councillor Oliver said that he is concerned about reporting and disclosure. He asked if he can go by the Arts Council office at any moment to find out what is going on. Mr. Lawrence said that Councillors are welcome to do so at any time, and they will manage these like the arts grants program, and keep record of every dollar. He asked the Council to help them meet some needs they cannot meet now, and said that he is anxious to get started.

Councillor Hickman said that each Councillor has special interests, and it would be wonderful if they could fund them all. She commended Councillor Barth for creating a new funding source, and encouraged other Councillors to continue to look for other ways to fund other initiatives and needs.

Councillor Lutz asked for the rationale behind excluding affordable housing projects from this proposal. Councillor Barth said that the specific intent was to be supportive of low income areas. Councillor Lutz said that this causes him some concern. He supports the arts and the Arts Council's management of grants, but to say it is important and then excluding some developments causes him some concern.

Councillor Mascari moved, seconded by Councillor Gray, to call the question and close debate. Debate was closed on the following roll call vote; viz:

*17 YEAS: Barth, Clay, Gooden, Gray, Hunter, Jackson, Lewis, Mascari, Miller, Moriarty
Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson, Tew
9 NAYS: Adamson, Evans, Hickman, Holliday, Lutz, McHenry, McQuillen, Sandlin, Shreve
1 NOT VOTING: Freeman
2 ABSENT: Cain, Mansfield*

Proposal No. 315, 2015 was amended on the following roll call vote; viz:

*18 YEAS: Adamson, Barth, Gooden, Gray, Hickman, Hunter, Lewis, Mascari, McHenry,
Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Shreve, Simpson, Tew
8 NAYS: Clay, Evans, Holliday, Jackson, Lutz, McQuillen, Sandlin, Scales
1 NOT VOTING: Freeman
2 ABSENT: Cain, Mansfield*

Councillor Barth moved, seconded by Councillor Hickman, for adoption, as amended. Proposal No. 315, 2015 was adopted on the following roll call vote; viz:

*18 YEAS: Adamson, Barth, Evans, Gray, Hickman, Hunter, Lewis, Mascari, McHenry, Miller,
Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Shreve, Simpson, Tew
9 NAYS: Clay, Freeman, Gooden, Holliday, Jackson, Lutz, McQuillen, Sandlin, Scales
2 ABSENT: Cain, Mansfield*

Proposal No. 315, 2015 was retitled GENERAL ORDINANCE NO. 73, 2015, and reads as follows:

PROPOSAL NO. 336, 2015. In Chair Mansfield's absence, Councillor Hickman reported that the Administration and Finance Committee heard Proposal No. 335, 2015 on November 17, 2015. The proposal, sponsored by Councillors Moriarty Adams and Pfisterer, approves the disposal of certain parcels of real property that have an appraised value of \$50,000 or more by the Board of Commissioners of Marion County. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hickman moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 336, 2015 was adopted on the following roll call vote; viz:

*22 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Jackson,
Lewis, Lutz, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin,
Scales, Shreve, Tew
0 NAYS:
5 NOT VOTING: Barth, Gray, Mascari, McQuillen, Simpson
2 ABSENT: Cain, Mansfield*

Proposal No. 336, 2015 was retitled GENERAL RESOLUTION NO. 22, 2015, and reads as follows:

PROPOSAL NO. 349, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 349, 2015 on November 16, 2015. The proposal, sponsored by Councillors Lewis, Moriarty Adams and Adamson, approves \$830,833 in expenditures from Community Revitalization Enhancement District (CRED) funds in 2016 for various improvements benefitting the Lafayette Square CRED District (International Marketplace). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 349, 2015 was adopted on the following roll call vote; viz:

22 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Tew

0 NAYS:

5 NOT VOTING: Barth, Mascari, McQuillen, Scales, Simpson

2 ABSENT: Cain, Mansfield

Proposal No. 349, 2015 was retitled GENERAL RESOLUTION NO. 23, 2015, and reads as follows:

PROPOSAL NO. 350, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 349, 2015 on November 16, 2015. The proposal, sponsored by Councillors Lewis, Miller, Moriarty Adams and Cain, approves the statement of benefits for Eli Lilly and Company, an applicant for tax abatement for property located in an economic revitalization area. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 350, 2015 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Tew

0 NAYS:

4 NOT VOTING: Barth, Mascari, Scales, Simpson

2 ABSENT: Cain, Mansfield

Proposal No. 350, 2015 was retitled GENERAL RESOLUTION NO. 24, 2015, and reads as follows:

PROPOSAL NO. 352, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 349, 2015 on November 16, 2015. The proposal, sponsored by Councillors Robinson and Gooden, approves a transfer of \$75,000 in the 2015 Budget of the Department of Code Enforcement (Permits Fund) to cover costs associated with the 27th pay. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 352, 2015 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Tew

0 NAYS:
3 NOT VOTING: Barth, Scales, Simpson
2 ABSENT: Cain, Mansfield

Proposal No. 352, 2015 was retitled FISCAL ORDINANCE NO. 50, 2015, and reads as follows:

PROPOSAL NO. 359, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 359, 2015 on November 18, 2015. The proposal, sponsored by Councillor Moriarty Adams, amends General Resolution No. 18, 2014 regarding the approval of certain public purpose grants totaling \$323,750 from the Drug Free Community Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 359, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Tew
0 NAYS:
2 NOT VOTING: Barth, Simpson
2 ABSENT: Cain, Mansfield

Proposal No. 359, 2015 was retitled GENERAL RESOLUTION NO. 25, 2015, and reads as follows:

PROPOSAL NO. 360, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 360, 2015 on November 18, 2015. The proposal, sponsored by Councillor Lewis, approves certain public purpose grants totaling \$315,000 from the Drug Free Community Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 360, 2015 was adopted on the following roll call vote; viz:

26 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
1 NOT VOTING: Barth
2 ABSENT: Cain, Mansfield

Proposal No. 360, 2015 was retitled GENERAL RESOLUTION NO. 26, 2015, and reads as follows:

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 365-375, 2015 on November 19, 2015. He asked for consent to vote on Proposal Nos. 365-370, 2015 together. Consent was given.

PROPOSAL NO. 365, 2015. The proposal, sponsored by Councillor Scales, authorizes turn restrictions on Delmar and Rucker Roads and Binford Boulevard (District 4). PROPOSAL NO. 366, 2015. The proposal, sponsored by Councillor Miller, authorizes intersection controls at Nelson and Allen Avenues (District 19). PROPOSAL NO. 367, 2015. The proposal, sponsored

by Councillor Cain, authorizes a speed limit reduction of 25 mph in the Castlewood subdivision (District 5). PROPOSAL NO. 368, 2015. The proposal, sponsored by Councillor McHenry, authorizes a speed limit reduction of 25 mph in The Trees II subdivision (District 6). PROPOSAL NO. 369, 2015. The proposal, sponsored by Councillor Osili, authorizes speed limit reductions on West Walnut Street from North Concord Street to North Holmes Avenue (District 15). PROPOSAL NO. 370, 2015. The proposal, sponsored by Councillor Miller, authorizes a speed limit reduction of 25 mph on East McCarty Street from South East Street to Virginia Avenue (District 19). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Oliver, for adoption. Proposal Nos. 365-370, 2015 were adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 NOT VOTING: Barth, Gooden
2 ABSENT: Cain, Mansfield

Proposal No. 365, 2015 was retitled GENERAL ORDINANCE NO. 74, 2015, and reads as follows:

Proposal No. 366, 2015 was retitled GENERAL ORDINANCE NO. 75, 2015, and reads as follows:

Proposal No. 367, 2015 was retitled GENERAL ORDINANCE NO. 76, 2015, and reads as follows:

Proposal No. 368, 2015 was retitled GENERAL ORDINANCE NO. 77, 2015, and reads as follows:

Proposal No. 369, 2015 was retitled GENERAL ORDINANCE NO. 78, 2015, and reads as follows:

Proposal No. 370, 2015 was retitled GENERAL ORDINANCE NO. 79, 2015, and reads as follows:

PROPOSAL NO. 372, 2015. The proposal, sponsored by Councillor Evans, approves an interlocal cooperation agreement between the City and County and the Town of Zionsville for the financing, design, construction and improvement to the intersection of West 96th Street and Zionsville Road. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Hickman, for adoption. Proposal No. 372, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew

0 NAYS:
2 NOT VOTING: Barth, Gooden
2 ABSENT: Cain, Mansfield

Proposal No. 372, 2015 was retitled SPECIAL ORDINANCE NO. 5, 2015, and reads as follows:

PROPOSAL NO. 373, 2015. The proposal, sponsored by Councillor Cain, approves an interlocal cooperation agreement between the City and County and the City of Fishers for the financing, design, construction and improvement to East 96th Street between Lantern Road and Cumberland Road. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor McHenry, for adoption. Proposal No. 373, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 NOT VOTING: Barth, Gooden
2 ABSENT: Cain, Mansfield

Proposal No. 373, 2015 was retitled SPECIAL ORDINANCE NO. 6, 2015, and reads as follows:

PROPOSAL NO. 374, 2015. The proposal, sponsored by Councillor Tew, approves a request of the Department of Public Works to purchase certain real estate interests, owned by the Riviera Club, for construction of a public works project. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 374, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 NOT VOTING: Barth, Gooden
2 ABSENT: Cain, Mansfield

Proposal No. 374, 2015 was retitled GENERAL RESOLUTION NO. 27, 2015, and reads as follows:

PROPOSAL NO. 375, 2015. The proposal, sponsored by Councillor Pfisterer, approves a request of the Department of Public Works to purchase certain real estate interests, owned by Ponderosa Associates, LLC, for construction of a public works project. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 375, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Clay, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:

2 NOT VOTING: Barth, Gooden

2 ABSENT: Cain, Mansfield

Proposal No. 375, 2015 was retitled GENERAL RESOLUTION NO. 28, 2015, and reads as follows:

PROPOSAL NO. 339, 2015. The proposal, sponsored by Councillor Gooden, authorizes the issuance of a general revenue note in an aggregate principal amount not to exceed \$12,000,000 for the purpose of providing funds to be applied to pay a portion of the planning costs incurred in connection with a proposed criminal justice center, and appropriating the proceeds thereof.

Councillor Hickman moved, seconded by Councillor Moriarty Adams, the following motion:

Madam Chair:

I move to amend Section 2, of Proposal No. 339, 2015 by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

SECTION 2. Project Cost Account; Note Fund. By this Resolution, the City Controller is authorized and directed to deposit the proceeds of the Note into a separate account of the City of Indianapolis hereby designated as the Justice Center Project Cost Account (the "Project Cost Account") to pay Project Costs; provided, however, that the City Controller ~~shall consult with~~ must obtain written approval from the Chief Financial Officer of the Council, the General Counsel of the Council, and the County Auditor prior to paying specific invoices for Project Costs. The Project Cost Account may not be used for any other purpose.

The Project Cost Account must, in accordance with IC 5-13, be deposited with the depository or depositories of other public funds of the City, and all interest collected on it belongs to the Project Cost Account. Any surplus remaining from the proceeds of the Note after all costs and expenses are fully paid must be paid into and become a part of a separate account to be known as the City of Indianapolis Note Fund (the "Note Fund"), which is created by this Resolution. Any such surplus, together with any investment earnings on such surplus, must be used at the earliest opportunity to prepay the Note.

Moneys contained in the Project Cost Account and the Note Fund must be invested to the extent provided by law.

Councillor Tew asked for consent to abstain from voting on this proposal due to a possible perceived conflict of interest with his new law firm.

Councillor Jackson asked if it could say non-reverting acccount to insure it is not diverted for other uses. Mr. Biesecker said that the language already provides that it may not be used for any other purpose. Councillor Jackson said that she would still want this language included to support it. Mr. Biesecker said that the word non-reverting can be added between the words "separate" and "account" if that makes Councillor Jackson more comfortable.

Councillor Lutz asked if Mr. Dudich and Mr. Brown are okay with this amendment as amended. Mr. Dudich and Mr. Brown indicated that they are.

The President called for public testimony at 10:10 p.m.

Mr. Vaughn said that this language is irrelevant, because once the money is transferred, as in the past, Mayor Ballard does what he wants with the money. He said that this is an operation in futility, and these bills are fraudulent and should be prosecuted.

Proposal No. 339, 2015 was amended on the following roll call vote; viz:

21 YEAS: Adamson, Evans, Freeman, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve

3 NAYS: Clay, Gray, Simpson

3 NOT VOTING: Barth, Gooden, Tew

2 ABSENT: Cain, Mansfield

Councillor Miller said that he hopes they have learned a lesson from this that if they put this amount of time up front, they would not be in this situation.

The President called for public testimony on the amended version.

Mr. Vaughn said that this is a misappropriation of funds, and there were sections in the contract referring to contingencies that if the project failed, they would not get paid, and they should not get paid.

Mr. Coleman said that he is surprised they are contemplating paying this fraudulent bill. He said that he does not understand the urgency, and it seems there is someone benefitting from this. He said that there is a connection between an individual and one of these law firms, and he hopes that is not the reason they are passing it. He said that what they are doing is illegal.

Mr. Evans said that he agrees with Councillor Miller, and this Council should demand that the administration not take advantage and communicate better. They are now spending \$12 million on a deal entered into unilaterally.

Councillor Adamson said that \$4 million has already been paid out. He asked if that is included in this \$12 million, or if that is on top of that \$12 million. Mr. Biesecker said that in addition to this \$12 million, \$5.2 million has already been paid up. The invoice totals on these is actually \$11.4 million, but it was rounded up to include interest and a possible audit. He said that the full bill is about \$17 million.

Councillor Jackson asked what the original contract totals were. Mr. Brown said that they were \$12 million, but some had built in additional payments if the deal closed. Councillor Jackson asked why they are paying out \$17 million, if the original was \$12 million. Mr. Brown said that this insures that they retain the work product, and this amendment gives them the ability not to pay some of these extra costs if they do not receive adequate documentation of additional work.

Councillor Hunter said that the “non-reverting” language is moot, as it has to be used for that purpose as per the Department of Local Government Finance (DLGF) guidelines. Mr. Biesecker said that this is correct, as it is a dedicated fund. Councillor Hunter said that this project blossomed so out of control that he could no longer support it, but the work was done, and employees worked on projects. He said that it is a hard pill to swallow, but government should also pay their bills.

Councillor Hickman said that this would have been a bill even if the justice center project went through; it just would have gone into the loan. She is not happy about it, but it has to be paid and they should move on.

Councillor Oliver asked what work was done to accumulate \$12 million in fees. Mr. Dudich said that the additional fees were stipends to pay the three bidders, buying the work product they created, such as design specs, documents, sketches, financial analysis, technical and legal analyses. He said that they will then be able to use some of this work product if they decide to

proceed with a criminal justice center in the future. Councillor Oliver asked if this is customary for a project. Mr. Dudich said that it is in line with a project of this size, and the bills were incurred over a two and a half year period. Councillor Oliver said that it makes no sense to spend \$12 million for nothing.

Councillor Hickman said that there were studies done on mental health needs and other areas of the Sheriff's Department that will be beneficial, and all that information is the City's to keep and can be used in the future.

Councillor Adamson said that they would have paid \$12 million in contract fees if the work got done, and now are paying \$17 million for work that did not get done. Mr. Brown said that this was always going to be the amount they had to pay regardless if the project panned out or not. The cost was about \$10 million, and the additional \$2.25 million were the stipends to the bidders for their work product. There were some increases in some of the contracts, land costs and other smaller contracts. Councillor Adamson said that part of the problem with the project was that financial numbers did not add up. It makes sense in theory, but not in reality. He said shame on them if they pass this, and instead they need to investigate the person who penned this lopsided deal.

Councillor Mascari asked where in Indiana have they ever paid \$750,000 for any bid. Mr. Dudich said that the overall project costs were pretty common for a project of this size. He said that the stipends were an option the vendors could select in exchange for the City retaining all the work they had done, and they all selected to opt in for that additional stipend. Councillor Mascari said that he will vote against this and challenged anyone to show him another bid that was this high for any project in Indiana.

Councillor Moriarty Adams moved, seconded by Councillor Robinson, to call for the question and end debate. Debate was ended on the following roll call vote; viz:

18 YEAS: Adamson, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Mascari, Moriarty Adams, Osili, Pfisterer, Robinson, Shreve, Simpson
7 NAYS: Lutz, McHenry, McQuillen, Miller, Oliver, Sandlin, Scales
2 NOT VOTING: Barth, Tew
2 ABSENT: Cain, Mansfield

Councillor Hickman moved, seconded by Councillor McQuillen, for adoption as amended. Proposal No. 339, 2015 was adopted on the following roll call vote; viz:

16 YEAS: Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lewis, Lutz, McHenry, McQuillen, Miller, Moriarty Adams, Pfisterer, Robinson, Sandlin, Shreve
9 NAYS: Adamson, Clay, Gray, Jackson, Mascari, Oliver, Osili, Scales, Simpson
2 NOT VOTING: Barth, Tew
2 ABSENT: Cain, Mansfield

Proposal No. 339, 2015 was retitled GENERAL RESOLUTION NO. 29, 2015, and reads as follows:

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Amanda Blackburn and Nancy Irsay; and
- (2) Councillor Lewis in memory of Dr. Gene McFadden; and
- (3) Councillors Pfisterer, Moriarty Adams, Sandlin and Hunter in memory of Laverne Sanborn, Stanley Piatt, Clifford Blizzard and Vincent Gatto.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Amanda Blackburn, Nancy Irsay, Dr. Gene McFadden, Laverne Sanborn, Stanley Piatt, Clifford Blizzard and Vincent Gatto. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:40 p.m.

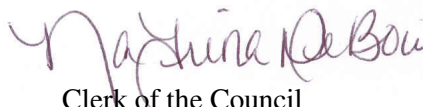
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 30th day of November, 2015.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)